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	:
CHERRINE JACKMAN,	:
	:
Plaintiff,	:
	:
-against-	:
	:
WEIL, GOTSHAL & MANGES LLP,	:
	:
Defendant.	:
	:
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Plaintiff's motion for a new trial as to damages is denied. As defendant correctly points out, there were several interpretations of the evidence by which the jury reasonably could conclude that any emotional damages suffered by plaintiff were not the result of the retaliation to which she was subjected.

The most likely view of the evidence, and the one to which the jury likely came, is that this was a mixed motive case, where plaintiff was fired both in retaliation for her harassment complaint and because she had been falsifying her time records. It was reasonable for the jury to conclude that any emotional damages she suffered were as a result of being caught with regard to her time records, not as a result of the retaliation. This conclusion could be reached either by crediting plaintiff's description of her termination, in which she acknowledged never protesting that her termination was the result of retaliation, or by discrediting it in light of the material inconsistencies between

her trial and deposition testimony. Moreover, when plaintiff attempted to blame defendant for her suicide attempt, well after she had received a higher paying new job (which did not occur long after her termination), and while she was under unrelated stresses, the jury could have reasonably concluded that she was overreaching and therefore discredited her assertion of emotional injury as a result of defendant's actions. The *falsus in uno, falsus in omnibus* charge is given for a reason, and it would have been within the jury's province to find it applicable based on plaintiff's testimony.

Accordingly, plaintiff has not met the standard required on a motion for a new trial, and the motion is therefore denied.

SO ORDERED.

s/Brian M. Cogan

U.S.D.J.

Dated: Brooklyn, New York
October 20, 2007